

REMARKS

Claims 1-4, 6-14 and 16-31 remain pending in the application.

The Applicants respectfully request that the Examiner initial and return a copy of the IDSs filed on January 31, 2008 and April 14, 2008.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following amendments and remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1-4, 6, 7-14, and 16-31 variously over Lohtia, Whitington, Brugliera, Barr and Hines

In the Office Action, claims 1, 2, 10-12, 19-21, 23, 24, 26, 27, 29 and 30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 6,560,456 to Lohtia et al. ("Lohtia") in view of U.S. Pat. No. 6,131,028 to Whitington ("Whitington"), and further in view of U.S. Pat. No. 4,910,767 to Brugliera et al. ("Brugliera"); claims 3, 4, 7-9, 13, 14, 17, 18, 22, 25, 28 and 31 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lohtia in view of Whitington and Brugliera, and further in view of U.S. Pat. No. 6,456,852 to Bar et al. ("Bar"); and claims 6 and 16 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lohtia in view of Whitington and Brugliera, and further in view of U.S. Publication No. 2004/0203922 to Hines ("Hines"). The Applicants respectfully traverse the rejections.

Claims 1-4, 6-14 and 16-31 all recite, *inter alia*, (1) a telephone number initiating a telephone call including at least one auxiliary digit suffixed by a subscriber to an end of the telephone number before transmission of the telephone number, (2) a location-based wireless service queried in response to the telephone call to automatically obtain a location of the subscriber, and (3) retrieving a message relating to the obtained location based on requested information associated with the at least one auxiliary digit suffixed to the end of the telephone number before transmission of the telephone number; and transmitting the retrieved message in a short message.

The Examiner cites new art, Brugliera, to allegedly disclose digits affixed by a subscriber to an end of a telephone number before transmission of the telephone number at col. 2, lines 25-30. (see Office Action, page 5)

Brugliera at col. 2, lines 25-30 teaches:

To order a program, the subscriber enters a small number, two digits for example, which is added to the preprogrammed ANI phone number associated with the PPV program, and a single data entry (DE) command on his handheld IR transmitter. A microprocessor in the auto dialer system adds the digits entered to the end of the preprogrammed base ANI phone number and automatically makes the telephone call to complete the transaction.

Brugliera teaches a small number added to an ANI phone number for ordering a television program. Brugliera's small number added to an ANI phone number lacks any relevance to Applicants' claimed retrieval of a location based message. A prior art reference must be considered in its entirety, i.e., as a whole. MPEP §2141.02 (citing W.L. Gore & Assoc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). Brugliera, and the Examiner's other cited references, considered as a whole fail to disclose, teach or suggest retrieving a message relating to the obtained location based on requested information associated with the at least one auxiliary digit suffixed to the end of the telephone number before transmission of the telephone number, as recited by claims 1-4, 6-14 and 16-31.

The Examiner alleges at page 4 of the Office Action that Lohtia teaches "using a location based service to obtain a location of the subscriber (Col. 2 line 40, Col. 4 Line 32, and Col. 5 line 30)". These passages of Lohtia read:

Users can select services such as stock quotations, location information, daily schedule, movie theatre or entertainment preferences, etc." (Col. 2, lines 40-42)(emphasis added)

The information and services available to the subscribers include stock quotations, weather information, personal schedules, user location services, movie theatre preferences, or any other

information that the user may require. (Col. 4, lines 30-34)

A called party or destination number corresponding to "800 WEATHER" in this example may indicate that the user is requesting weather information, such as forecasts or observations for either a current location or a preselected location indicated in the user's service information PROFILE. (Col. 5, lines 27-32)

From these passages Lohtia is clear that a user may SELECT location information, just like a stock quotation, but at best information such as weather is provided based on a location pre-stored in the user's service information **PROFILE**. Lohtia's user selecting a menu option is NOT an automatically obtained location of a subscriber as claimed. Lohtia fails to teach a location service automatically queried in response to a telephone call to obtain the user's location, as recited by claims 1-4, 6-14 and 16-31.

For this additional reason, claims 1-4, 6-14 and 16-31 are patentable over the prior art of record.

The Examiner alleges at page 4 of the Office Action that Lohtia teaches "retrieving a message relating to said location based on requested information, and transmitting said retrieved message in a short message to said subscriber" (Col. 3, lines 35-42; Col. 4, lines 48-50; Col. 5, lines 56-59; and Col. 5, line 66 to Col. 6, line 5)(emphasis added) These passages of Lohtia read:

An additional feature of the invention provides for reformatting information gathered in response to a subscriber-generated trigger. The reformatted information is adapted for the subscriber's handset display and is routed to the SMS or microbrowser server of the subscriber's wireless carrier. Alternatively, the SMS message is sent to an email gateway at the wireless carrier's location. (Col. 3, lines 35-42)

Once the users have configured their service information profiles, the requested information may be provided over the SMS whenever requested by the user. (Col. 4, lines 48-50)

Global SCP 15 obtains the requested information and then sends an SMS or microbrowser message containing the requested information to message center 16 for the wireless network. (Col. 5, lines 56-59)

In another embodiment, the Global SCP may complete the call and ask the user to enter a password or any other information. The Global SCP then asks the user to enter the trigger digits, feature code or SMS origination message. The Global SCP then sends the information to the Distributed WWIS Server. The Distributed WWIS server determines the service requested by the user. The information is then sent to the user via an SMS or microbrowser message. (emphasis added)

At best, Lohtia transmits a REQUESTED message-NOT a message relating to the OBTAINED location as required by all pending claims 1-4, 6-14 and 16-31.

With respect to the secondary references cited by the Examiner, the Examiner cites Whitington for allegedly disclosing a “location-based service to obtain a location of the subscriber is a wireless service (abstract, columns 2-5) and a telephone number initiating said telephone call including at least one auxiliary digit (feature code) beyond those associated with the information telephone call (column 3 lines 22-35 and column 4 lines 53-65); retrieving a message relating to said location based on requested information associated with said at least one auxiliary digit (i.e., a feature code can be used to obtain directions to the nearest gas station)(column 3 lines 22-35 and column 4 lines 53-65).” (see Office Action, page 5)

Whitington appears to teach, at best, the use of a PRE-fix, i.e., a feature code to specify a location based service. Whitington details that his PREfix “feature code is a specified sequence of digits following an ASTERISK (*). (Col. 3, lines 22-23) The HLR sends a **feature request** to location based call forwarding service, which processes the **PREfix feature request** and sends a location query. (Whitington, col. 3, lines 37-47)

Whitington's PREfix MUST be entered BEFORE or in FRONT of the telephone number, NOT SUFFixed to an end of an information telephone number, as required by claims 1-4, 6, 7-14, and 16-31. This is an important distinction as it affects direction of the phone call in the first place. Whitington identifies the PREfix **feature code** as a telephone call in and of itself, and sends an appropriate origination request to the HLR 19. Whitington fails to disclose, teach or suggest an auxiliary digit SUFFixed to an end of a telephone number as recited by claims 1-4, 6, 7-14, and 16-31.

The Examiner agrees that "Whitington does not explicitly teach that the digits are suffixed by said subscriber to the end of said telephone. In the same token one of ordinary skill in the art would note that Whitington does not explicitly teach that the digits cannot be suffixed by said subscriber to the end of said telephone." (see Office Action, page 6)

The Examiner cites Neustein to allegedly disclose a user suffixing an auxiliary digital at the end of a telephone number (see Office Action, page 6). However, the Examiner has ignored what Neustein discloses as the use of such an auxiliary digital suffixed at the end of a telephone number. Neustein specifically discloses a suffix number that is appended to a telephone number to differentiate a particular called pager from a group of pagers relying on a family telephone number (see col. 5, lines 30-35).

Barr is relied on to allegedly teach an information number being dialed is "4-1-1" at col. 3, line 15. (see Office Action, page 8) A thorough reading reveals that Barr lacks any relevance to use of auxiliary digits SUFFixed to an information telephone number.

Hines is relied on to allegedly teach locating a wireless device using an angle of arrival at paragraph [0033]. (see Office Action, page 10). A thorough reading reveals that Hines lacks any relevance to SUFFIXING auxiliary digits appended to an information telephone number as required by claims 1-4, 6-14 and 16-31.

Lohtia, Whitington, Brugliera, Barr and Hines, either alone or in any combination thereof, fail disclose, teach or suggest the important combination of elements defined by claims 1-4, 6-14 and 16-31, in particular:

(1) a telephone number initiating a telephone call including at least one auxiliary digit SUFFixed by a subscriber to an end of the telephone number before transmission of the telephone number;

(2) a location-based wireless service queried in response to the telephone call to obtain a location of the subscriber; and

(3) retrieving a message relating to the obtained location based on requested information associated with the at least one auxiliary digit suffixed to the end of the telephone number before transmission of the telephone number; and transmitting the retrieved message in a short message.

Accordingly, for at least all the above reasons, claims 1-4, 6, 7-14 and 16-31 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC
2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307
WHD/df